

# The Law and Industrial Relations

## Le droit et les relations industrielles

Justice I.C. Rand

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Article abstract

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# The Law and Industrial Relations

Justice I.C. Rand

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## The Process of Industrialization and the Law

Human law is the operating principle in the generation of order in a social body; interpenetrating human action it becomes an invisible system of coordinated precepts, principles and standards regulating conduct, established by custom or edict, behind which lie coercive and punitive sanctions of society. Its end is the attainment of a generalized harmony and security in the life of the community, the elimination of intolerable frictions in the conflicts of interest, and the reconciliation of those conflicts by acceptable limitations on individual and community action. It is a structure of infinite figure and design wrought by the experience of centuries, attesting the workings of reason and compromise, and exhibiting the elaboration of basic assumptions of the nature of man, his endowment, and the purposes of life. However these assumptions may be conceived, whether inherent as law affecting Man as part of nature or as constituting the necessary attributes of Man in relation to or upon which human law operates, Man as the unit of expression of consciousness and will, Man wholly conceived, does not make material difference in the impact of positive law. Subsidiary assumptions may affect the content of conduct affected or admonished; but from the standpoint of that law, the formal patterns of legal statement and application in either case do not substantially differ.

Whatever may have been the biological, psychic or other processes through which Man has reached his present condition, these

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assumptions ascribe to him a primary individuality, an organization of body and mind to be realized in expressions of each, and an equally primary social implication necessitating by its nature limitations of and restraints upon individual action. Within these limitations evolves the culture of the group, the accomplishments of our physical, intellectual, ethical, esthetic and spiritual faculties.

The justification as well as the necessity for regulation of individual action is its impact on the lives of others: voluntary or self-regulation is not adequate; the qualities of cupidity, greed, acquisitiveness, passion, aggressive and arrogant, remain at high pressure, and so far their control must be committed to the judgment of the community.

Thus the system of governing ideas emerging through the nature of Man and his modes of manifesting himself. Industry concerned with Man's struggle with his environment and its conquest through applied intelligence, has brought us to the heights of material achievement: we can say in fact that in the course of time man's understanding will have left little unconquered. But its course to this day has exposed a vast complex of relations in which it has inextricably involved Man through the diverse forces generated and the degree to which other interests and concerns have become subordinated to it. With only certain of these relations are we dealing directly in this enquiry but a glance at the general topic of our attitude towards industrialism may not be irrelevant.

Let us put to ourselves a few questions. Is material production to be accepted as the significant end of human effort and purpose? Are we to attribute to it and its products the supreme values of life? Can it be said, in any acceptable sense, that it is more than a contributory agency to the developing life out of which it has arisen? Are we, in our estimations of worth, to substitute the product of factories for the attainment of that maturity in which the individual sees life « steadily and whole », an attainment which alone, I think, can give abiding acceptances to our deepest interrogations? Without over-stressing these queries, we may ask whether such a substitution, if indeed possible to man, would not tend to his own extinction?

In his engagement with environment Man fashions the latter into accommodations of his needs and desires, adaptations creating a setting in which his life thereafter becomes progressively implicated. In its more concrete sense, Industry signifies the production of means to

sense satisfactions, enabling generally the mastery of instruments serviceable to infinite modes of activity. These means in turn become the source of wealth, as we call their accumulation, to glut that instinct which originally sought security against nature's rigors and vagaries, but now driving to the aggregation of power over Man and Community.

Inevitably, in its expanding accomplishments, Industry becomes a system of processes sustaining communities organized in dependence on them. Differentiated functions have led to a vital interdependence between the two, dislocations of which can in varying degrees be disruptive of the life of each. These processes in proliferating populations and huge economic accumulations, expressing the gigantic expansion of technology, are intensifying in tremendous acceleration and raising issues over-taxing the wit of man to resolve.

### **The Need for a Legal Order in Industry**

The near anarchy to which this development has given rise by reason of its own crises from self-defeating defects, furnishes a new situation of demand for order and the means of order, law. Excesses must be curbed; the savage claims of interests modified; social order and well-being must advance through the imposition by law of enlightened ideas upon the warring groups, creating effective restraints upon their modes of action.

Western society has now reached the stage of general awareness at which a sufficient number of persons in a political unit are available to halt the progress of practices which have become intolerable in their violation of that indefinite standard called fairness or reasonableness. As the most formidable task ever undertaken consciously by Man, we have put before ourselves the spiritual, moral and material advancement not only of races and classes but of all human beings. We have recognized as never before, however qualified it may be, that man is his brother's keeper. We see applied in social action, as never before, the Categorical Imperative as the decisive factor in the solution of social problems; but that rule without the background of coercive sanctions within a legal order is not yet sufficient to its realization; and for the excesses of conduct that deface human relations, regulation by law becomes obligatory.

Industry originated in individual enterprise but it has become transmuted into private enterprise. This latter in its present character



can be said to have had its modern origin in the creation by law of the limited liability company: and, as an entity, that corporate body has had attributed to it, generally, the civil incidents of citizenship. But the difference between the two modes of enterprise must be — as it has not been — clearly appreciated: through limited liability a company consists essentially of an aggregation of property placed under operators for effective utilization. We see from daily observation the magnitude of economic power which this device has now made possible.

The public effect in the latest phases of industrialism is not confined to matters of combinations and monopolies; these and other objectionable practices now in the early stages of regulation are well-known and need not be elaborated, nor the unregulated factors of internal and international trade with most of which we have, within the last few months, become oppressively familiar. What is new and important is the degree to which the products of industry are becoming the material structure of our entire society; in the interdependence between industrial factors and everyday living through specialization of production, community life proceeds on the basis of an orderly continuity in the furnishing of industry's created necessities and conveniences; and it is in the field of labor relations that disruption of that continuity finds a substantial part of its cause.

## The Evolution of Industrial Relations

### GREAT BRITAIN

The history of employment exhibits many phases. Slavery of the conquered lay at the foundation of the Greek and Roman civilizations. England for a century or more after the Norman conquest possessed slaves, serfs and villeins. Gradually these gradations became attenuated: slavery and serfdom disappeared, and villeinage became transmuted into the lowest ranks of feudal vassalage, the leaseholders and copyholders. In 1348 occurred the Great Plague which wiped out about half of the working class. Manual services became the market demand and the workers rose to answer in orthodox competitive manner: they sought higher wages. Promptly the landlords moved to meet this threat to the settled system, its existing wage level and its settled social stratification; in 1349 the Ordinance of Labourers was passed and two excerpts from its provisions will indicate its general tenor:

« Because a great part of the people, and especially of the workmen and servants, has now died in this plague, some, seeing the necessity of laws and the scarcity of servants, will not serve unless they receive

excessive wages, and others preferring to live in idleness rather than to seek their livelihood by labour,

it was decreed that

« We, by the unanimous counsel of our prelates and nobles, have thought to ordain that every man and woman of our Realm (with certain exceptions) shall be bound to serve and receive wages as in the twentieth year of our reign or in the fifth or sixth years last preceding. »

During the following centuries wages came under the jurisdiction of Justices of the Peace. Agreements between workers dealing with wages and conditions of work, from the 17th to the 19th centuries, were treated as conspiracies in restraint of trade and as such, criminal. These and other shackles upon the free action of workers reached their apogee about 1800. But the social assertions of the masses of England were by this time taking on new vigor and in 1825 the first substantial statutory modifications came into force. This was followed, in the seventies, by further concessions to labor organization and collective action and in 1906 the last vital enactment appeared. The latter half of the 19th century saw, also, the enactment of various Factory Acts, and the elimination of some of the worst of employment conditions.

#### CANADA

From that point, we can pass to the labor situation as it developed in Canada. The same basic assumptions as in England and the United States underlay our industrialism: in the conception of individualism each party, the employer and employee, negotiated as man with man and no terms were beyond the valid confines of contract. In the seventies labor organization made its appearance and it originated at a time when the gigantic struggle for labor's recognition in its throes in the U.S. could be observed in significant detail. Difficult stages marked its course in Canada as elsewhere; and in the first decade of this century the strike of trainmen on the Grand Trunk Railway brought Eastern Canada face to face with ugly features of the conflict.

One of the significant steps toward social justice to employees was the legislative acceptance of the principle that claims arising from accidents in industry were essentially matters for administrative adjustment and not subjects for the expensive and relatively technical procedure of courts of law. In the meantime also the rule of the assumption of the risk of a fellow servant's negligence had been abolished; and that applicable to safe working conditions had been developed more in conformity with realities than as originally laid down.

Following the Second World War Labor Relations Acts throughout the Dominion, both federal and provincial, came into force: they deal with the mechanics or procedure of negotiation with employers on the terms and conditions of work. They compel « bargaining » and suspend the right of strike pending the conclusion of these procedural steps, including conciliation and arbitration. The right to organize in unions and the right to strike have been established and the Criminal Code has removed collective action from the scope of conspiracy in restraint of trade. These measures have in many cases been supplemented by legislation for Unemployment Insurance, Minimum Wages, Maximum Hours of Labour and other ameliorative enactments.

Six hundred years of struggle have won these rights and privileges: they clothe Labor with substantially as ample freedom of formal action as human laws, short of virtual anarchy, can provide. They create conditions in which society is entitled to look for and require the observance of law in their exercise. But the strike on both sides is still too often accompanied by atavistic crudeness, although there are signs that its waste and other disruptive incidents are becoming more fully appreciated.

### The Tyranny of Shibboleths in Labor Relations

In this field as in others we find the tyranny of shibboleths: « this is a competitive society »; « no surrender of the right to strike »; « no compulsory arbitration »; « private enterprise »; and many others. What is not realized is that much of the substance underlying these expressions is of a relative character. Would a strike or refusal of duty, be tolerated in the military forces? Or the police forces? or in vital governmental services? What would be thought of such action on the part of all judicial officers in the Dominion? The considerations underlying the suspension of such functions have analogies in all occupations and professions and in each case we must reach a conclusion on the total factors in the particular situation. What are we to say of a general strike as took place in England in 1926? The blow is received by the general public in the strangulation of national life through the disruption of the functioning of what have become necessary social instrumentalities.

There is here, I think, the clue to the distinction we must make between strikes, certainly as they were first conceived as involving only the employer, and cessations of functions upon which the public, in a

broad sense, has become dependent. Can units of industry be brought within the bounds of that area? Does a particular situation of conflict enable us to say that its elements are immediately significant to grave injury to a community through there being no alternative means of sustaining vital features of its life?

The massive concentrations of industrial power with prodigious productive capacity have in fact become instruments of functions now largely constituting the structure of our civilization; highly specialized and differentiated they are now integrated with the social organism. It is their exclusiveness in performance which enables its cessation to leave the public helpless. In ordinary or smaller industrial conflicts what is at stake is the individual industry for the loss of which to the public adequate compensating alternatives are at hand; but with the expanding amalgamation in industry, the multiplying population and the spread of unionism, the public is steadily becoming more deeply victimized by both parties to the struggle.

Consider the expression «private enterprise». What are we to say of that as a conclusive ideological counter in the presence of public railways — largely a monument to the failure of private enterprise in transportation — , public electric power, postal communication, community water supply, industries such as Polymer at Sarnia which private enterprise declined to undertake, radio, television, air services, the latter of which and radar attained their amazing development as instruments of war paid for by the taxpayers? In such a cry there is no mention of public assistance in the forms of bonuses, subsidies, tax concessions and exemptions, capital advances, low interest rates, expert governmental assistance as in trade commissioners, research, natural resource surveys, tariffs and other analogous measures.

The objection to the ceaseless repetition of these stereotyped phrases is that they confuse the thinking required for the solution of difficult social problems. What we are short on these days are creative ideas to meet the new conditions and forms into which society is evolving; and the enemy of effective ideas is the tiresome platitudinous catch-phrase which in the particular case has lost much of relevance and meaning. When, therefore, action dealing with compulsory arbitration, public industrial undertakings, limitations on industrial expansion or the like, is proposed, let the questions be debated on their merits in intellectual freedom and not distorted by these senseless obstructions to intelligent pragmatic judgment. In a field of action where there are

no adequate competitors or alternative means, and the function is public and important, whatever the issue, a new situation is presented the solution of which must be the subject of a new judgment on the new totality of factors: and the irrational blaring of the battle-cry exhibits it as the misleading shibboleth it can be.

### **Labor Relations need New Ideas and Modified Conceptions**

There are now technical procedures for the determination of formal features of contentious labor relations in industry: they have become well settled; they perform an effective service in securing an orderly and acceptable administration of the formalities of negotiation. But they are secondary and subordinate. The great issue, becoming clearer each day, is that of remuneration; and in private industry it is simply one segment of the general problem of society, that of distributing the total national production. What is done in industry is becoming the claimed basis for governmental action; and the process at work, claimant and insistent, calls for deeper examination than has yet been accorded it. In industry we have the established categories such as dividends, wages, depreciation, and the others, but between them there is no established relation, no rational basis according to which the dollar earned is to be divided. Wages originally assumed a pool of unemployed workers and the technique used in fixing remuneration can be easily imagined. But instead of that pool, we have today an organized countervailing labor power which must be dealt with. It would not seem to be beyond, I think it ridiculous to say it is beyond, the intelligence of men to produce empirical formulas of distribution applicable to units or even classes of industry. In many cases profit sharing has already been instituted and successfully. Such a measure can be mentioned here only as a possibility: but an accomplishment of that nature may have been implied in Lord Keynes remark to the effect that it will be a relief when we get rid of this economic turmoil and give ourselves over to the real purposes of living: or is the vision of such a future a mirage? It would admittedly take some of the gamble out of business but we could open all doors to the sweepstakes.

The usual accompaniments of strikes, personal violence, destruction of property, obstructions of all kinds, picketing, boycotts, inescapable in the early stages, are part of the residue, the irrationality of barbarism waged against entrenched property, analogous to fighting over the division of the spoils. But our granitelike conceptions of property and private enterprise on one side and the demand on the part of labor for

an easier and fuller life, greater sharing of material means, more of equality, social and economic, of the working classes, make them at present inevitable. They are in general breaches of law but with features of a reluctant civil war and consequently difficult to deal with. The conflict presents the old issue for its solution: Reason or Force, which shall it be? The only answer to this is the same as in the settlement of the generality of quarrels: it must be Reason and, if necessary, enforced by law; and that means new ideas and modified conceptions.

Another item deserves mention; the steps to be taken to authorize a strike. The lightness with which many of these steps are entered upon indicates an irresponsibility both of leadership and workers; and even when approval is sought the means taken are at times a travesty on the processes of democracy. Where the public interest is directly involved, the free and deliberate judgment of a substantial majority of workers to resort to a strike calls for the most serious examination by the public itself of the questions involved. Ultimately the verdict of public opinion will prevail, for which the fullest public exposure of the issues, in understandable terms, is essential. But the preliminary condition, the vote, is one to be obtained as all such votes should be: by the exercise of an absolutely free mind and will. That means only one thing: the secret ballot. Nothing in this country can justify anything short of that; and any insistence to the contrary is the repudiation of a democratic principle underlying our society by men who will not tolerate dissent; it is an insult to the democratic order of things.

The present industrial evolution taking place seems designed to bring about more rational and effective treatment of these matters. Through automation the labor force is steadily being depleted in its older groupings, manual laborers, craftsmen and the different levels of operators. Unionized groups by no means constitute the bulk of the men and women who carry on the work of the country. There are vast numbers of employed persons who remain out of labor organizations largely because of the objectionable methods resorted to in disputes. They are today calling for compulsory arbitration — one of the demands made by the Trade and Labor Congress at its convention in Winnipeg in 1898. This is the alternative to which reason points: and a submission to public opinion, for these purposes the highest resort available, can, in substance, be realized by procedures and tribunals worked out by patient intelligent thinking.

## Industry: A Social Function

A broader social culture would conceive at least much of industry in terms of social function but with the diffusion of control and direction much as it is today in England and as it may be soon in North America. Involved is a change of attitude a deeper sense of one's obligation and responsibility to the society which secures the conditions under which industry is carried on in freedom. Rewards will continue but, as education advances and standards of value change, on a more equalized scale; the intellect which is extracting the secrets of nature from the infinitely small to the infinite immensities, will not ultimately tolerate this barbarous scrimmage for things which have no real value in themselves and exist only for the use of man; and unless in the meantime we destroy ourselves, we may reach the level at which leadership in realizing the acceptance of such a philosophy will be accounted the highest secular accomplishment.

Notwithstanding the advances of order in western civilization over the past several centuries, we cannot dispense with the disciplinary regulation by law touching activities in society. The evidence in fact seems to be that only by constant affirmation and observance of standards of conduct can deterioration, possible even in a generation, be avoided. In no sector of our social, political or economic life can we exempt government or leadership in whatever hands it may be, from constant critical scrutiny. Above all we will not tolerate the contraction of that sphere of independent and individual action in the expression of faculties and attributes which so far constitute the final utterance in this « strange, eventful history », the human personality, a mysterious unit of Being participating in the self-awareness of a universal intelligence itself expressed in terms of an immanent law.

## LE DROIT ET LES RELATIONS INDUSTRIELLES

Le droit constitue un principe d'ordre dans les rapports sociaux par le fait qu'il régit les actions humaines à l'aide d'un système sous-jacent de préceptes et de règles établis selon la coutume ou imposés par la loi, et dont la société garantit l'application au moyen de sanctions coercitives ou punitives. La fin de tout système juridique, c'est de créer un climat d'harmonie et de sécurité en supprimant les chocs trop violents auxquels pourraient donner lieu les conflits d'intérêts, au moyen de règles limitatives reconnues et acceptées concernant les actions individuelles et sociales. Les normes de comportement, élaborées peu à peu tout au long des siècles, tirent leur origine des idées qu'une société se fait quant à la nature de l'homme, ses facultés et les fins qu'elle assigne à sa personnalité.



La justification, et à la fois, la nécessité de ces limitations imposées à l'action individuelle résident en définitive dans l'incidence de cette action sur la vie des autres membres de la communauté. L'auto-discipline, le contrôle volontaire de soi-même ne sont pas suffisants, seuls, à neutraliser chez l'homme sa cupidité naturelle, ses passions ou son égoïsme, lesquels doivent être assujettis au jugement final de la communauté.

L'industrie, qui résulte de la lutte constante de l'homme aux prises avec son milieu et qui consiste en l'aménagement rationnel de ce milieu en vue de la satisfaction des besoins communautaires, a provoqué la création d'un réseau de relations si complexes qu'elle subordonne en quelque sorte à ses fins tous les autres intérêts des communautés qui en dépendent.

Il est donc de toute nécessité et de toute urgence qu'un certain ordre soit établi au sein du complexe de l'industrie moderne si on ne veut pas qu'une certaine anarchie persiste en ce domaine et conduise éventuellement à la dislocation des fonctions vitales de nos communautés industrielles. Il faut que les excès soient réprimés, que les intérêts indisciplinés soient jugulés, que les actions de groupes soient effectivement réglementées pour le plus grand bien des sociétés. C'est par l'élaboration et l'application systématique des règles du droit que ceci doit s'opérer.

L'industrie a originé dans l'entreprise individuelle, mais cette dernière s'est par la suite transformée en entreprise à responsabilité limitée par la fiction juridique de la personnalité morale. Il faut bien prendre conscience de la différence fondamentale qui existe entre ces deux modes d'entreprises : par le jeu de la responsabilité limitée, une compagnie n'est plus autre chose, essentiellement, qu'une agglomération de capitaux mis entre les mains d'administrateurs en vue de leur meilleure utilisation. Nous pouvons facilement concevoir l'ampleur du pouvoir économique qu'un tel procédé confère à l'entreprise moderne, et les conséquences auxquelles est exposée la vie communautaire tout entière au cas où certains excès en entravent le fonctionnement. C'est dans le domaine des relations du travail que résident bien souvent les causes de ces désordres industriels.

L'histoire des relations du travail présente plusieurs phases d'évolution. C'est vers la fin du XIXe siècle et au tout début du XXe que les masses laborieuses en Grande-Bretagne se virent octroyer les concessions définitives permettant à leurs organisations syndicales une action collective vraiment libre et reconnue comme telle. Au Canada, comme en Grande-Bretagne et aux Etats-Unis, les relations industrielles s'organisèrent en fonction des mêmes principes individualistes selon lesquels chaque partenaire de l'industrie, le patron et l'employé, négociait librement, de personne à personne, tout ce qui n'allait pas au delà des limites générales imposées aux contrats particuliers. Avec le temps certains principes émancipateurs de la classe ouvrière furent introduits dans le droit du travail, et maintenant le droit d'association, n'étant plus prohibé par le droit pénal, est à la base de la négociation collective dont l'obligation incombe aux parties selon certaines conditions prévues par nos lois de Relations ouvrières.

Six cents ans de luttes ont permis l'élaboration de ces libertés, et la société est en droit de voir à ce qu'elles soient utilisées selon les exigences des règles



juridiques qui en conditionnent l'exercice. Il reste toutefois que la grève ou le lockout sont encore trop souvent marqués de cet atavisme de la violence et des épreuves de force hérité d'un âge révolu.

Nous retrouvons malheureusement en relations industrielles, comme dans les autres sphères de l'action sociale, la tyrannie des « slogans » et des mots d'ordre stéréotypés : « notre économie est une économie concurrentielle », « nous ne devons pas abandonner le droit de faire grève », « pas d'arbitrage obligatoire », « l'entreprise privée », etc. On oublie souvent que la réalité ne souffre plus que de telles expressions soient utilisées dans un sens absolu. Les conditions modernes de l'industrie et la dépendance totale dans laquelle le grand public se trouve par rapport à cette dernière, étant donné le caractère de nécessité et d'urgence de ses fonctions, font que leur application trop rigoureuse met en danger la vie communautaire tout entière.

Là réside l'élément distinctif par excellence entre la grève telle qu'elle était conçue et pratiquée au début de l'ère industrielle, et la paralysie qu'elle inflige à des fonctions sociales essentielles dont dépend maintenant à un titre ou à un autre, le reste de la communauté. Considérons pour un instant la notion d'« entreprise privée ». Comment une telle expression peut-elle encore avoir un sens idéologiquement, en face de tout le secteur des services publics de tous ordres où l'entreprise dite « privée » ne peut, ou ne veut pas entrer, ou lorsqu'elle le fait, n'y réussit qu'à l'aide de subsides de l'Etat, de dégrèvements d'impôts et d'assistance gouvernementale sous différentes formes : assistance technique, assistance en matière de recherches, assistance financière, protection tarifaire, etc. ?

L'objection fondamentale à l'utilisation de tels cris de ralliement, c'est la confusion qu'ils créent dans les idées dont la clarté serait pourtant si nécessaire à la solution de problèmes réels et difficiles. Ce qui nous manque avant tout sous ce rapport, c'est l'esprit d'invention nous permettant d'élaborer des concepts nouveaux propres à saisir les conditions actuelles et les formes vers lesquelles notre société évolue. Et l'ennemi par excellence de cet esprit d'invention et des idées novatrices, c'est justement la répétition jusqu'à l'écoeurement, de ces slogans à l'emporte-pièce qui n'ont plus aucune résonance dans la réalité des choses, et ne riment plus à rien d'actuel. Lorsque des problèmes se posent dans l'industrie et en relations du travail, tâchons de les envisager à leur mérite en toute liberté intellectuelle et sans se laisser circonvenir l'esprit par d'aussi stupides obstacles à l'exercice d'un jugement intelligent et réaliste.

En matière de relations du travail, des procédures de règlement des conflits, de négociation et d'administration existent présentement, mais toute proportion gardée, ils sont d'importance secondaire. L'activité industrielle devient de plus en plus matière à l'intervention gouvernementale car elle est partie intégrante au grand problème social de la distribution du revenu national. Nous avons les vieilles catégories du dividende, de la rente, du profit, des salaires, etc., mais aucun lien organique n'existe entre elles qui puisse répondre aux conditions présentes de notre économie évoluée.

Ce qui accompagne ordinairement les grèves : la violence, la destruction de la propriété, les obstructions de toutes sortes, le piquetage, les boycottages, sont

des vestiges de barbarisme utilisés à l'encontre de la propriété privée. Mais l'extrême rigidité de nos concepts de propriété et d'entreprise privée d'une part, ainsi que les revendications des travailleurs en vue d'obtenir une existence plus facile grâce au partage accru des biens matériels, et à une égalité économique et sociale plus vraie, rendent ces manifestations inévitables.

Ces conflits remettent en question le vieux dilemme quant à leur solution : seront-ils résolus par la force ou par la raison ? La réponse doit être la même qu'en ce qui concerne tout autre conflit social : c'est la raison qui doit prévaloir, sanctionnée s'il le faut par les rigueurs de la loi ; et ceci signifie que des concepts nouveaux et des idées modifiées doivent être élaborés.

En ce qui concerne l'exercice du droit de grève, l'irresponsabilité selon laquelle il est trop souvent utilisé rend nécessaire, dans les cas où l'intérêt public est directement concerné, certaines mesures propres à assurer aux travailleurs en cause, la possibilité de s'exprimer librement sur une telle question. Même si l'opinion publique juge en dernier ressort, le vote au scrutin secret s'impose comme mesure préliminaire essentielle à l'expression des travailleurs concernés.

L'évolution présente de l'industrie, avec l'automatisation grandissante et les bouleversements qu'elle provoque dans les structures traditionnelles de la main-d'oeuvre, semble rendre possible l'adoption de moyens plus rationnels de traiter ces problèmes. Beaucoup de travailleurs qui ne font pas partie des syndicats à cause de ces pratiques qu'ils répudient, réclament l'arbitrage obligatoire des conflits du travail. C'est la solution que la raison semble devoir imposer.

Une culture sociale plus large devrait nous permettre de concevoir l'industrie présente comme une fonction sociale. Il faut, pour ce faire, opérer un changement dans les attitudes traditionnelles et chacun doit acquérir un sens plus aigu de ses responsabilités envers la société. Seules des règles juridiques dont l'observation doit être constamment rappelée, et sanctionnée par les pouvoirs publics, peuvent contribuer à empêcher la détérioration de ce secteur important de notre société.